IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4833 OF 2005

Shinde Amit Tanaji & Ors. ...Petitioners.
Vs.
The State of Maharashtra & Ors. ...Respondents.

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Mr. Sachin D. Kadam for the Petitioners.
Mr.C. R. Sonawane, AGP for Respondent No.1.
Mr. Rupesh Bobde with Mr. R.V. More for Respondent Nos.2 & 3.

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CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

February 8, 2006.

P.C.

Rule. Heard forthwith.

Other teachers similarly situated had approached this Court wherein orders have been passed for regularising those teachers. One such judgment was in Writ Petition No.6658 of 2004 disposed of on 24th August 2004 in the case of **Mrs. Rajani Runzaji Pagare vs. State of Maharashtra and others.** That case covered the teachers between the period 1998 and 2001. Thereafter, a petition came to be filed being Writ Petition No.9412 of 2004 and other petitions which were disposed of on 29th April 2005 whereby the order in **Rajani Runzaji Pagare's** case was also applied to the teachers who were appointed during the years 1999

and 2001. In the instant case, the teachers involved are between the years 1999 and 2001 as also 2000. In other words, they are already covered by the earlier orders of this Court. In the light of that, the petition is disposed of by issuing the following directions :

-(i) Considering the facts and circumstances on record as the Petitioners were appointed on honorary basis in the year 1999 and were in service till 2001 (i.e. till oral termination), the Respondents are directed to consider the Petitioners for appointment as Shikshan Sevak if they possess requisite qualification required for the post of primary teacher i.e. D.Ed. and their appointment shall be made on the vacant sanctioned and admissible post as of today.

-(ii) If the vacant posts are less in number than the eligible candidates, their selection will be made according to marks obtained by them in D.Ed. Examination.

-(iii) The candidates should be considered after the candidate who were appointed from the period 1997 and 2001 and 1998-2001 are accommodated against the existing posts of Shikshan

Sevak.

-(iv) The necessary order will be issued within 8 weeks.

Rule made absolute accordingly. There shall be no order as to costs.

It is made clear that the present reliefs have been allowed in view of the stand taken by the State Government. Otherwise all other cases of regularisation or appointment should be subject to what has been set out by the Apex Court in **A. Umarani vs. Registrar of Co-operative Societies**, 2004(7) SCC 112 as applied by this Court.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)